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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,881	08/02/2002	Bertrand Duplat	V21.12-0001	8924

7590 11/03/2004

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EXAMINER	
NGUYEN, PHU K	

ART UNIT	PAPER NUMBER
2671	9

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/089,881	DUPLAT, BERTRAND	
	Examiner	Art Unit	
	Phu K. Nguyen	2671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2002*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-16* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-16* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *4*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over GAGNE et al. (6,011,562) in view of YAMAMOTO et al. (6,664,965).

As per claim 1, Gagne teaches the claimed "process for creating on a graphic computer interface three-dimensional animated graphical images representing scenes with objects and/or characters", the process comprising the following steps: "the step selecting from libraries objects and/or characters, least one object and/or one character" (Gagne, column 11, line 61 to column 12, line 7), "the step of displaying the object and/or character on the graphic interface" (Gagne, fighter, figure 8), "the step of selecting the behavior of an object and/or character from behavior libraries; the behaviors reacting in whole part interactively, real time, to efforts on the intervening by means of an operating control" (Gagne, column 7, lines 20-28 – Action List), "the step of assigning the selected behavior an object a character appearing on the graphic interface" (Gagne, column 12, lines 14-46). It is noted that Gagne does not teach the assembling on a graphic interface, according the sequences and the tree structures of an interactive animated script the course being designed, visual elements symbolizing the relevant objects and/or characters involved with animated scene as well as the behaviors that are attributed to them, in such a manner that possible to display the various sequences and the tree structures of the interactive animated script as it is in

the process of being designed. Yamamoto teaches that the assembling of visual elements (Yamamoto, column 11, lines 28-45; motions of bullet and enemy character) according to sequences and the tree structures of the interactive animated script the course being designed (Yamamoto, column 13, lines 3-25; the sequences and tree structures of the events). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Yamamoto, to configure Gagne's process as claimed by representing the course of actions of the characters in sequences as being designed. The purpose of displaying the sequential courses of actions provides the review the result of selection of characters and the correspondent actions.

Claim 2 adds into claim 1 "the step of creating series of behaviors may be linked series to the movement of another object passing close by in the scene represented on the graphic interface, such a manner that possible generate sequential modules of sequenced object and/or character components, which can in turn be reassembled into other modules and then into more complex interactive animated scripts" which Gagne does not explicitly teach. However, Yamamoto teaches the interactions of the bullet and the enemy character when passing by in the scene (Yamamoto, column 12, lines 3-34). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Yamamoto, to configure Gagne's process as claimed because the interactions of different objects provides the realistic and complex action of objects in the animation.

Claim 3 adds into claim 2 "the step of selecting the perspective of the camera projecting the dimensional scene" which Gagne suggests in the perspective image of the fighter in figure 8.

As per claim 4, Gagne teaches the claimed "System creating three-dimensional graphical images representing scenes with objects and/or characters on graphic interface", the system comprising: "the graphic interface being associated with calculating device and a command unit" (Gagne, column 11, line 61 to column 12, line 7; software which commands and calculates the actions), "the calculating devices and command units comprising a first means of calculation and a first means of command for selecting at least one object and/or character from object libraries, and displaying the object and/or character on the graphic interface" (Gagne, fighter, figure 8), "the calculating devices and command units comprising, addition, a second calculating device and a second command device for selecting from the behavior libraries the behavior of an object and/or character, and for assigning an object or character appearing on graphic interface the selected behavior; the behaviors reacting in whole or part interactively, time, efforts the part of the users intervening by means of an operating control, notably a keyboard" (Gagne, column 7, lines 20-28 – Action List; column 12, lines 14-46). It is noted that Gagne does not teach the calculating devices and command units comprising, addition, activation devices activating the graphic interface one or more areas on which the designer-operator assembles visual elements symbolizing objects and/or characters involved with the animated scene as well as the behaviors that are assigned to them, according the sequences and the tree structures of

an interactive animated script in the process of being designed. Yamamoto teaches that the assembling of visual elements (Yamamoto, column 11, lines 28-45; motions of bullet and enemy character) according to sequences and the tree structures of the interactive animated script the course being designed (Yamamoto, column 13, lines 3-25; the sequences and tree structures of the events). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Yamamoto, to configure Gagne's system as claimed by representing the course of actions of the characters in sequences as being designed. The purpose of displaying the sequential courses of actions provides the review the result of selection of characters and the correspondent actions.

Claim 5 adds into claim 4 that "calculating devices and command units comprise, addition, third calculating device and third command device for selecting camera perspective projecting the three-dimensional scene" which Gagne suggests in the perspective image of fighter in figure 8.

Claim 6 adds into claim 5 "fourth calculating device and a fourth command device creating series of behaviors while another object passing close by in the scene represented on the graphic interface such manner that the system allows modules sequenced object and/or character behaviors be generated, which can be reassembled into other modules, and then into more complex animated scripts" which Gagne does not explicitly teach. However, Yamamoto teaches the interactions of the bullet and the enemy character when passing by in the scene (Yamamoto, column 11, lines 30-45; column 12, lines 3-34). It would have been obvious to a person of ordinary skill in the

art at the time the invention was made, in view of the teaching of Yamamoto, to configure Gagne's process as claimed because the interactions of different objects provides the realistic and complex action of objects in the animation.

Claim 7 adds into claim 1 "the step of selecting the perspective of the camera projecting the three-dimensional scene" which Gagne suggests in the 3D perspective projection of the fighter in figure 8.

Claim 8 adds into claim 1 "a behavior is an explosive behavior, and the operating control links the explosive behavior first object movement of a second object passing close by the first object" which Gagne does not explicitly teach. However, Yamamoto teaches the interactions of the bullet and the enemy character resulting in explosion when passing by in the scene (Yamamoto, column 11, lines 30-45; column 12, lines 3-34). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Yamamoto, to configure Gagne's process as claimed because the interactions resulting a explosion of different objects provides the realistic and complex action of objects in the animation.

Claim 9 adds into claim 8 "the step of creating series of behaviors including an explosive behavior may be linked in a series to the movement of another object passing close by in the scene represented graphic interface, such a manner that possible generate sequential modules of sequenced object and/or character comportments, which can in turn be reassembled into other modules and then into more complex interactive animated scripts" which Gagne does not explicitly teach. However, Yamamoto teaches the interactions of the bullet and the enemy character resulting in

explosion when passing by in the scene (Yamamoto, column 11, lines 30-45; column 13, line 58 to column 14, line 26). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Yamamoto, to configure Gagne's process as claimed because the interactions resulting a explosion of different objects resembling into modules provides the realistic and complex action of objects in the animation.

Claim 10 adds into claim 9 "the step of selecting the perspective of the camera projecting the three-dimensional scene" which Gagne suggests in the perspective three-dimensional image of the fighter in figure 8.

Claim 11 adds into claim 8 "the step of selecting the perspective of the camera projecting the three-dimensional scene" which Gagne suggests in the perspective three-dimensional image of the fighter in figure 8.

Claims 12-16 claim a system based on the process of claims 7-11; therefore, they are rejected under the same reason.

Claims 1, 2, 4, 6, 9, 12, and 15-16 are objected to because of the following informalities: "and/or" is unclear as which one is selected (e.g., claim 1, lines 3, 8, 9), the pronouns such as "they" (e.g., claim 1, line 5), "it" (e.g., claim 1, line 24), "them" (e.g., claim 1, line 23) are unclear as what they indicate. Appropriate correction is required.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (703)305 - 9796. The examiner can normally be reached on M-F 8:00-4:30.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen
October 28, 2004